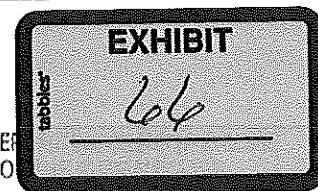


BUREAU OF WATER
OFFICE OF



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21 January 2010

Mr. Paul E. Stacey
Department of Environmental Protection
Bureau of Water Protection and Land Reuse, Planning & Standards Division
79 Elm Street
Hartford, Connecticut 06106-5127

Re: Proposed Stream Flow Regulations

Dear Mr. Stacey:

This letter is in reference to the proposed Stream Flow Standards and Regulations (Public Act 05-142) that are currently before your agency. As Director of the Public Works Department for the Town of Colchester, I oversee the Town's Water Department and am involved with various planning and development programs of the Town. Therefore, I have reviewed these proposed regulations from both the current and future perspectives. Based on this review, I urge rejection based on the following concerns:

1. **Current Water Supplies** – The Town holds a Diversion Permit that is valid through 2017. We have a permitted average day safe yield at the Town's main well field of 648,000 gallons with a current average day demand of approximately 340,000 gallons. We just completed \$2.9M in upgrades to our pumping and treatment facility with the aid of a State Community Development Block Grant (CDBG) and the Drinking Water State Revolving Fund (DWSRF) all in an effort to increase our treatment capabilities to match our permitted allocation. Because we have a Permit, we will not be directly impacted by the regulations until 2017 when our permit must be renewed.
2. **Growth/Development Plans** – The Town has recently revised its zoning map and regulations adding approximately 700 acres for commercial development, has coordinated these changes with the Town's and State's Plans of Conservation and Development, and has obtained a STEAP Grant to develop a plan for expansion of water and sewer services to these commercial areas. All of this work was

performed in an effort to better position Colchester for the economic development desperately needed to balance residential and commercial property taxes and to provide services desired by Colchester residents.

Obviously, with the acquisition of the CDBG, DWSRF loan, approval of the Town's Plan of C&D with regard to future sewerable areas, and the STEAP Grant for coordinating the expansion of services, the State appears to concur with Colchester's efforts.

3. Future Water Needs/Supplies: Based on the efforts being taken by the Town, we believe the availability of this strategically located additional acreage will result in development and an associated significant increase in demand for water. At this time we believe we will have adequate supply for the proposed development and are using a portion of the STEAP grant to confirm demand requirements based on a build-out analysis. We are very concerned the draft regulations may undermine our ability to provide water service at the anticipated growth levels. Any reduction in our current safe yield means less opportunity for economic growth and serves either as a "moratorium" against the additional development or as an "unfunded mandate" to locate and permit additional sources of supply.

The Town has performed a hypothetical evaluation based on a Category 3 stream rating and find our safe yield may be reduced by approximately 10 percent. To compensate for a portion of that reduction, the Town will be need to bring an existing bedrock well on line. Currently, the expense to do that has been deemed cost prohibitive because of the minimal amount of water that can be gained (roughly 54,000 gallons per day). The cost to provide 3-phase electric service, construct the required treatment and building, pipe the water treatment waste water discharge outside the sanitary radius, create an air gap and then reconnect to sanitary sewer, and connect the treated water to the distribution system piping is expected to be in excess of \$300,000. That cost will have to be borne by our users as a rate increase.

Should the Town need more than the additional 10 percent reduction caused by the proposed regulations, additional sources of supply or interconnect with a nearby system will be required. However, the nearest interconnect opportunity, Norwich Public Utilities, has estimated a 20 percent safe yield drop as a result of these regulations meaning they will not have excess water for sale to Colchester.

4. Public Health & Safety Needs - Although we fully understand and appreciate the intent of the proposed regulations, we are concerned that, as currently drafted, the regulations do not provide an appropriate balance between protecting our environment and providing for the public health, safety and economic development needs of our community. While we recognize that balancing the needs of the environment with the needs of human society is not an easy task, it is a critical one, particularly given the other challenges facing the state and towns. As identified above, several hundred thousands of dollars may be needed to just maintain the status quo in Colchester. This direct cost will be borne solely by the

water department customers which represent only about a third of the Town's population. Yet, economically, the entire town may also be burdened by any reduction in economic development opportunity caused by the uncertainty of adequate water supply. Until the State can show they have an environmental benefit at the specific stream locations theoretically impacted by our current withdrawals that at least equals this cost, we will not be convinced they have truly a balanced regulation.

5. Unknown/Unintended Consequences - Given the vague classification standards included in the regulations, it is virtually impossible to fully evaluate the impact of these regulations. The DEP frequently speaks of an adequate number of "off-ramps" to lessen the potential burden during periods of drought or other water shortage situations. However, given the DEP also has authority through the Individual Water Supply Plan regulations to accept or deny the Town's trigger levels in its emergency response plan, there is no guarantee the necessary drought triggers will truly serve as the "off-ramp" they claim. The wide-ranging power these regulations give a state agency means our ability to develop a balanced solution is limited.

The Town of Colchester Public Works Department is very concerned over the proposed regulations. We respectfully ask that you give our position serious consideration and reject the regulations as they are currently drafted. We recommend that DEP take the time to meet with other state agencies, the business community and municipalities to fully assess the impact of the regulations on our public water supplies and on the state's economic recovery.

Sincerely,
Colchester Public Works

A handwritten signature in black ink that reads "Mark Decker". The signature is written in a cursive, flowing style.

Mark Decker, P.E.